#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

ASHLEY MARIE COWAN, ET AL.,

Plaintiffs,

Civil Action No. 2:14-ev-40
v.

Judge Jones

MICHAEL SHAWN PETERS,

Defendant.

#### AFFIDAVIT OF JAMES N. L. HUMPHREYS

James N. L. Humphreys, being duly sworn, says the following:

- 1. After Ashley Cowan spoke with Aaron Grenier on the telephone following the hearing on March 6, 2015, I spoke with Aaron on several occasions. Attached are Exhibits No. 1 and No. 2, which is the record of all my telephone calls to and from Aaron.
  - 2. In the telephone calls I had with Aaron, he confirmed for me his address was as follows:

906 Mcgovny Street Ironton, OH 45638

#### 3. I sent three letters to Aaron:

- a. On March 9, 2015, I sent to Aaron a letter with the Notice (Doc. No. 36) and the Petition for Approval of Infant Settlement (Doc. No. 27). The post office returned this letter to me on March 23, 2015.
- b. On March 10, 2015, I sent Aaron the Prudential Stuctured Settlement Annuity Proposal, the Settlement Agreement and Release, and a stamped envelope with my address on it.
- c. On March 18, 2015, I sent Aaron an Answer to the Petition for him to sign, the Settlement Agreement and Release, another copy of the petition (Doc. No. 27), and another stamped envelope with my address on it.

In the March  $10^{th}$  and March  $18^{th}$  letters, I asked Aaron to sign the documents I sent him and return them to me in the provided envelopes.

- 4. I had four or five substantive telephone conversations with Aaron in which he told me he had received my letters, had signed the documents I sent him, and had mailed them back to me.
- 5. I did not receive any documents signed by Aaron a week or so after he told me he had mailed the documents back to me. On March 23, 2015, the first letter I sent to Aaron dated March 9<sup>th</sup> came back in the mail saying the letter was undeliverable. I immediately had a follow up telephone conversation with Aaron to confirm his address. Aaron again confirmed his address was:

906 Mcgovny Street Ironton, OH 45638

I told Aaron I had received the March 9<sup>th</sup> letter I sent to him back as undeliverable and was concerned the address I had was an incorrect address. Aaron told me the address was correct and he had signed the other documents, which he had already mailed to me.

- 6. When I called Aaron previously, he would call me back shortly thereafter if he did not answer. After the March 23<sup>rd</sup> telephone call, Aaron has not returned my calls.
- 7. When no signed documents arrived by March 27, 2015 from Aaron, I concluded it was advisable to have Aaron served with the petition (Doc. No. 27) and the notice of the April 21, 2015 hearing (Doc. No. 36). I did so by sending copies to the Sheriff in Lawrence County, Ohio, the county in which Ironton, Ohio is located. I have filed the Proof of Service from the Sheriff of Lawrence County, Ohio saying Aaron has not been at the address he had given me since October of 2014. The return also says the landlord is unfamiliar with Aaron.
- 8. Based upon my attempts to provide settlement papers to Aaron Grenier—both formally and informally—Aaron Grenier's current location is unknown. I have attempted to give Aaron notice of the settlement terms. Aaron is aware of my attempts based upon our telephone calls.

James N. L. Humphreys

STATE OF TENNESSEE COUNTY OF SULLIVAN

**SUBSCRIBED AND SWORN** to before me, this 8<sup>th</sup> day of April, 2015.

Notary Public

My commission expires:

425/18

#### CERTIFICATE OF SERVICE

On April 8<sup>th</sup>, 2015, I hereby certify I electronically filed the **Affidavit of James N. L. Humphreys** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Henry S. Keuling-Stout **KEULING-STOUT**, P.C. P. O. Box 400 Big Stone Ga, VA 24219 (Counsel for Defendant) Gregory D. Edwards (By U. S. Mail) Attorney at Law P. O. Box 285 Jonesville, VA 24263 (Guardian ad Litem for SKG)

s/ James N. L. Humphreys

Humphreys/Cowan v. Peters

#### James N. L. Humphreys

From:

Melissa S. Sizemore

Sent:

Tuesday, April 07, 2015 11:19 AM

To:

James N. L. Humphreys; James N. L. Humphreys

Subject:

Jim.....here is what is pending for next bill. I will send March bill by seperate email

#### Wireless

### Current Usage

Details for: | 423-677-3592 v

The following reflects current usage since your last statement @

Download

Minutes

Messages Data

Cycle ends 04/13/2015

Anytime Minutes Used: 1435 minutes Previous | 31 | 32 | 33 | 34 | 35 | Next

Date	‡ Time □ □	Number	Minutes	Desc
03/18/2015	12:39 PM	7173947156	•	LANCASTER
03/18/2015	12:32 PM	7173947156		LANCASTER
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Back to Current Usage Summary

**EXHIBIT** 

Date Due Page

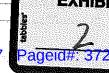
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## Detail for Jim Humphreys: 423-677-3592

Voice, continued

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# Detail for Jim Humphreys: 423-677-3592

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